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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,515	08/20/2003	Jonathan D. Beard	TUC920030115US1 (16874)	6578
46263 7590 06/12/2008 SCULLY, SCOTT, MURPHY, & PRESSER, P.C. 400 GARDEN CITY PLAZA SUITE 300 GARDEN CITY, NY 11530				
EXAMINER				
GYOREI, THOMAS A				
ART UNIT		PAPER NUMBER		
2135				
MAIL DATE		DELIVERY MODE		
06/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/644,515

Applicant(s)

BEARD ET AL.

Examiner

Thomas Gyorfi

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-30 remain for examination. The correspondence filed 2/8/08 amended claims 1, 10-12, 20, 21, and 28-30.

Response to Arguments

2. Applicant's arguments filed 2/8/08 have been fully considered but they are not persuasive. Applicant's arguments against the Guo reference allegedly failing to teach the encryption and decryption of authentication information fails to take into account the very commonly understood knowledge amongst those of ordinary skill in the art that the transmission of one's password in the clear over a network is a serious problem that is to be studiously avoided, as it is trivial for hackers to intercept said passwords and compromise a user's account. See the enclosed "Eliminating Plaintext Passwords on Your Network" reference from the San Diego Supercomputer Center for more information. Furthermore, Guo is known to employ SSL encryption for at least some of the communications (e.g. paragraph 0039); since SSL is regarded as one viable solution to the problem of preventing passwords from being visible over the wire (see the chart on page 3 of the "Plaintext Password" reference), thus it would at least be immediately obvious, if not inherent to the Guo invention, for the explicitly disclosed login information to be encrypted and subsequently decrypted as it travels through the network, just as recited in the claims.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-30 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for no direct connection between the authentication server and the client machine, does not reasonably provide enablement for no link [of any kind]. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make or use the invention commensurate in scope with these claims. The specification recites that, as a necessary first step in the authentication process for a user to access a client machine, the client machine sends an encrypted message to the authentication server via the technician [user]'s machine (specification: page 5, paragraph 0017); without this message, the authentication server will not release the valid login information that the user can subsequently use to access the client machine. Accordingly, the technician [user]'s machine is the "link" by which the authentication server and the client machine must communicate in order to practice the instant invention, using the broadest reasonable interpretation of the term "link".

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guo (U.S. Patent Application Publication 2003/0217288) in view of Soto et al. (U.S. Patent Application Publication 2003/0208695).

Regarding claims 1, 10-12, 20, and 21:

Guo discloses a method/system/program for authenticating a user's access to a client machine, comprising: communicating a request for access from the user machine to the client machine (paragraph 0045; element 32 of Figure 3); establishing a login account with login information in response to the request (paragraph 0032); encrypting the login information at the client machine and communicating the encrypted login information to the user machine (paragraph 0047); communicating the encrypted login information and authentication information associated with the user from the user machine to an authentication server (Ibid, and element 50 of Figure 3); and decrypting the encrypted login information at the authentication server and communicating the decrypted login information to the user machine if the authentication information is acceptable to the authentication server (paragraphs 0039-0040, and 0049- 0050). For the sake of clarity, it is noted that the "client machine" of Guo corresponds to the user machine of the claim, and the affiliate server(s) of Guo correspond to the "client machine" of the claim.

Guo does not explicitly disclose wherein it is the client machine that establishes the user account and communicates the information to the user machine. However, Soto discloses this limitation (paragraphs 0046-0055, but particularly 0053-0055). It

would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Guo to allow for a client machine to create temporary accounts for a user (such as used by a technician or engineer) and securely communicate such information to the user machine, as disclosed by Soto. The motivation for doing so would be to expedite the process of allowing users to login to a machine for service and maintenance without waiting for days for a new account and without compromising security (Soto, paragraph 0004).

It is noted that the login information (including but not limited to usernames and passwords) is known and would be encrypted at its source(s) and subsequently decrypted at its destination(s), as those of ordinary skill in the art would have long since known that sending said login information over a network in an unencrypted fashion was a serious security risk which could otherwise defeat the security afforded by the prior art inventions (see the enclosed "Eliminating Plaintext Passwords on Your Network" reference). Also note that Guo discloses using SSL – a known solution to the aforementioned problem clearly within the technical grasp of one of ordinary skill in the art – in that invention (paragraph 0039). Accordingly, if using SSL to encrypt and decrypt the login information would lead to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. *KSR v. Teleflex*, 550 U.S. at ___, 82 USPQ2d at 1397.

Regarding claims 2, 13, and 22:

Guo and Soto disclose all the limitations of claims 1, 12, and 21 above. Guo further discloses communicating an identifier associated with the user from the user

machine to the client machine (paragraph 0038); encrypting the identifier at the client machine and communicating the encrypted identifier to the user machine (paragraph 0047); communicating the encrypted identifier from the user machine to the authentication server (Ibid, and element 50 of Figure 3); decrypting the encrypted identifier at the authentication server (paragraphs 0039-0040); wherein the decrypted login information is communicated to the user machine if the decrypted identifier is acceptable to the authentication server (Ibid, and paragraphs 0049-0050).

Regarding claims 3, 14, and 23:

Guo and Soto disclose all the limitations of claims 1, 12, and 21 above. Guo further discloses encrypting the identifier at the client machine and communicating the encrypted identifier to the user machine (paragraph 0047); communicating the encrypted identifier from the user machine to the authentication server (Ibid, and element 50 of Figure 3); decrypting the encrypted identifier at the authentication server (paragraphs 0039-0040); wherein the decrypted login information is communicated to the user machine if the decrypted identifier is acceptable to the authentication server (paragraphs 0049-0050).

Regarding claims 4, 15, 24, and 28-30:

Guo and Soto disclose all the limitations of claims 1, 12, and 21 above. Guo further discloses communicating the login information from the user machine to the client machine to enable the user to access the client machine (paragraph 0049;

element 60 of Figure 3). As claims 28-30 consist of all the limitations of claim 4, they are rejected by the same rationale.

Regarding claims 5, 16, and 25:

Guo and Soto disclose all the limitations of claims 1, 12, and 21 above. Guo further discloses wherein the login information comprises at least one of a name and a password (paragraph 0032).

Regarding claims 6, 17, and 26:

Guo and Soto disclose all the limitations of claims 1, 12, and 21 above. Guo further discloses wherein the login information is encrypted at the client machine using a public key of a public key-private key pair (paragraph 0040); and the encrypted login information is decrypted at the authentication server using the private key of the public key-private key pair (Ibid).

Regarding claims 7, 18, and 27:

Guo and Soto disclose all the limitations of claims 1, 12, and 21 above. Guo further discloses wherein the authentication identifier comprises an identifier associated with the user (paragraph 0032).

Regarding claims 8 and 19:

Guo and Soto disclose all the limitations of claims 1 and 12 above. Guo further discloses wherein the encrypted login information is inaccessible to the user machine (paragraph 0051).

Regarding claim 9:

Guo and Soto disclose all the limitations of claim 1 above. Guo further discloses wherein the request for access is communicated from the user machine to the client machine, and the encrypted login information is communicated from the client machine to the user machine via a Secure Sockets Layer connection (paragraphs 0039 & 0055).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Gyorfi whose telephone number is (571)272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG
6/5/08
/KIMYEN VU/
Supervisory Patent Examiner, Art Unit 2135